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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,559	02/25/2004	Adrian Buckley	PUS1587 (1578.130)	1821

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EXAMINER	
SMITH, SHEILA B	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/786,559	BUCKLEY, ADRIAN	
	Examiner	Art Unit	
	Sheila B. Smith	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by La Medica, Jr. et al. (U.S. Patent Number 6,625,451).

Regarding claim 1, La Medica, Jr. et al. discloses in a radio communication system having a mobile node selectably operable to communicate data within at least a first selected frequency band within which a group of networks are operable to communicate, an improvement of apparatus for facilitating selection of at least a first selected network of the group of networks with which to attempt, by the mobile node, to communicate the data (which reads on column 6 lines 25-45) , said apparatus comprising: a storage element embodied at the mobile node, said storage element for storing at least a first identifier identifying the at least the first selected network; a network detector embodied at the mobile node (which reads on column 6 lines 56-67), said network detector for detecting which networks of the group of networks are within communication range of the mobile node (which reads on column 6 lines 56-67); a selector adapted to receive indications of the at least the first identifier stored at said storage element and to receive indications of detections made by said network detector, said selector for selecting which, if any, network, of the group of networks, as the at least the first selected network with

which to attempt to communicate the data, selection made by said selector of networks, if any, identified by the at least the first identifier and also detected by said network detector to be within communication range (which reads on column 6 lines 25-45).

Regarding claim 2, La Medica, Jr. et al. discloses a storage element at which the at least the first identifier is stored comprises a portable memory releasably positionable at the mobile node (which reads on column 6 lines 25-45).

Regarding claim 3, La Medica, Jr. et al. discloses a portable memory of which said storage element is comprised comprises an identification memory card positionable in releasable engagement with the mobile node such that, when engaged thereat, said selector is coupled to the identification memory card permitting access by said selector of values representative of the at least the first identifier stored at the identification memory card (which reads on column 6 lines 25-45).

Regarding claim 4, La Medica, Jr. et al. discloses a storage element comprises a non-permanent memory, the at least the first identifier stored at the non-permanent memory of which said storage element is comprised at least selectably updatable (which reads on column 6 lines 25-45).

Regarding claim 5, La Medica, Jr. et al. discloses a radio communication system comprises a network part selectably for sending storage-element update information to the mobile node, said apparatus further comprising an update information detector, said update information detector for detecting the storage-element update information sent to the mobile node and for causing the storage-element update information to be stored at said storage element (which reads on column 6 lines 25-45).

Regarding claim 6, La Medica, Jr. et al. discloses a storage-element update information selectably comprises additive information and wherein said update information detector causes the storage-element update information forming the additive information to be added to the non-permanent memory of which said storage element is comprised (which reads on column 6 lines 25-45).

Regarding claim 7, La Medica, Jr. et al. discloses a storage-element update information selectably comprises replacement information and wherein said update information detector causes the storage-element update information forming the replacement information to replace the at least the first identifier stored at said storage element (which reads on column 6 lines 25-45).

Regarding claim 8, La Medica, Jr. et al. discloses at least a first listing is defined at said storage element, the first listing formed of the at least the first identifier that identifies the at least the first selected network (which reads on column 6 lines 25-45).

Regarding claim 9, La Medica, Jr. et al. discloses a at least the first selected frequency band within which the mobile node is selectably operable to communicate data comprises the first selected frequency band and a second selected frequency band and wherein the at least the first listing defined at said storage element comprises the first listing and a second listing (which reads on column 6 lines 25-45), the at least the first identifier identifying the first network contained at the first listing and a second identifier identifying a second network contained at the second listing, the first network operable within the first frequency band and the second listing operable within the second frequency band (which reads on column 6 lines 25-45).

Regarding claim 10, La Medica, Jr. et al. discloses a said storage element is at least selectably updatable and wherein the first and second listings, respectively, further have associated therewith at least a first password (which reads on column 6 lines 25-45), said apparatus further comprising a storage element updater adapted to receive update information and update-password information, said storage element updater for comprising values of the update-password information with the at least the first password and selectably further for updating an appropriate one of the first and second listings (which reads on column 6 lines 25-45).

Regarding claim 11, La Medica, Jr. et al. discloses at least the first password comprises a fast-listing password and a second-listing password and wherein said update-password information is compared by said storage element updater with at least a selected one of the first-listing and second-listing passwords (which reads on column 6 lines 25-67).

Regarding claim 12, La Medica, Jr. et al. discloses a storage element is at least selectably updateable and wherein the first listing defined at said storage element has at least a first password associated therewith (which reads on column 6 lines 25-45), said apparatus further comprising a storage element updater adapted to receive update information and update-password information, said storage element updater for comparing values of the update-password information with the at least the first password (which reads on column 6 lines 25-45).

Regarding claim 13, La Medica, Jr. et al. discloses at least the first password is associated with the at least the first identifier and wherein said storage element updater selectably updates the at least the first identifier responsive to comparison made by said storage element updater (which reads on column 6 lines 25-67).

Regarding claim 14, La Medica, Jr. et al. discloses each network of the group of networks comprises a wireless local area network, wherein each wireless local area network identified by a service set identifier, and wherein each wireless local area network selectably broadcasts network-identification signals containing indications of the service set identifiers, said network detector for detecting the network-identification signals (which reads on column 6 lines 25-45).

Regarding claim 15, La Medica, Jr. et al. discloses a method of communicating in a radio communication system having a mobile node selectably operable to communicate data within at least a first selected frequency band within which a group of networks are operable to communicate, an improvement of a method for facilitating selection of at least a first selected network of the group of networks with which to attempt, by the mobile node, to communicate the data, said method comprising storing at the mobile node at least a first identifier identifying the at least the first selected network (which reads on column 6 lines 25-45); detecting which networks of the group of networks are within communication range of the mobile node (which reads on column 6 lines 56-67); selecting which, if any, network of the group of networks as the at least the first selected network with which to attempt to communicate the data, selection made of networks, if any, both stored during said operation of storing and also detected during said operation of detecting (which reads on column 6 lines 25-45).

Regarding claim 16, La Medica, Jr. et al. discloses a operations of providing storage-element update information to the mobile node and selectably updating identifications of the at least the first identifier stored at the mobile node (which reads on column 6 lines 25-67).

Regarding claim 17, La Medica, Jr. et al. discloses at least a first password is associated with the at least the first identifier, wherein an update-information password is further associated with the storage-element update information and wherein said method further comprises the operation of comparing the first password with the update-information password (which reads on column 6 lines 25-45).

Regarding claim 18, La Medica, Jr. et al. discloses a each network of the group of networks is identified by a network identity, wherein each network broadcasts network-identity signals, and wherein said operation of detecting comprises detecting network-identity signals of networks within range of the mobile node (which reads on column 6 lines 25-45).

Regarding claim 19, La Medica, Jr. et al. discloses a networks of the group of networks comprise wireless local area networks, wherein the network identity the identifies each of the networks comprises a service set identifier and wherein said operation of detecting comprises detecting values of the service set identifiers contained in the network-identity signals (which reads on column 6 lines 25-67).

Regarding claim 20, La Medica, Jr. et al. discloses said operation of selecting comprises selecting one network of a plurality of networks when the plurality of networks identities of which are stored during said operation of storing are also detected during said operation of detecting (which reads on column 6 lines 25-45).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Smith
June 21, 2006

TEMICA BEAMER
PRIMARY EXAMINER